

**REMARKS**

Applicant respectfully requests reconsideration in view of the amendment and following remarks. Support for newly added claims 36 and 37 can be found in the original claims 3 and 4. Support for the proviso in claim 37 can be found in the examples. Some of the examples have a matting layer and some of the examples do not have a matting layer. Claims 18-35 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 883,028 A1 (Naruse et al.)("EP '028"). The applicant respectfully traverses this rejection.

EP '028 is discussed in the applicant's specification at page 3, starting at line 23. The present invention is new over EP'028, as applicant claims a "continuous" back layer (see independent claim 18), whereas EP '028 discloses a disrupted layer, which is evident from Fig. 1 (see no. 4) and the description, wherein only separate protrusions are disclosed, see e.g. column 2, lines 43-44, column 15, lines 4-6, and in particular column 3, lines 37-39, that refers to Fig. 1. As there is no further disclosure concerning the process details of the methods listed in column 13, lines 13-19, a person skilled in the art would learn from EP '028 that a discontinuous layer of protrusions has to be applied to the back, which is in contrast to claimed invention.

Moreover EP '028 does not disclose an organic polymeric material having a Tg of at least 45<sup>0</sup>C as the essential ingredient of the back layer. According to EP '028 the protrusion on the back preferably are made of a "resin" (column 14, line 53), what is further specified in column 15, lines 7-12 as "styrene acrylic ester, acrylic copolymer and polymer .... aqueous resins, thermosetting resins, EB curable resins and UV curable resins". From the examples it is known that an "aqueous solution of styrene, acrylic ester and acrylic acid" of unknown composition is

dried to give the protrusions (Example 1) and an unknown polyester is used in Example 2.

Therefore, it is not known from EP '028 to use a polymeric material having a Tg of at least 45°C as presently claimed as the essential ingredient of the back layer.

There is no suggestion in EP '028 to use a continuous back layer as presently claimed, to achieve the advantages of the present invention as demonstrated by the applicant's examples which show that the continuous back layer of the present invention results in a printing plate precursor, that has an increased storage stability, in terms of adhesion of the light sensitive layer, simulated by storage for two weeks at 50 °C. EP '028 uses a separate matting layer. The silica fillers inside the sensitive layer of the present invention also give some kind of matte, but Fig. 1 of '028 shows a separate matting layer made of protrusions, that corresponds to the separate matting layer of present front layer compositions P3, P4 and N3. The other examples of the present invention contain no matting layer as disclosed in EP '028 and P1, N1, N4, T1, A1 and E1 contain no matting means at all, whereas the EP '028 invention is only taught to help protecting the matting layer within a coil.

Even if Bekk smoothnesses within the 5 to 800 s as presently claimed should be possible for the protrusion layer of EP '028, what is not known to the applicant is how a person of ordinary skill in the art would not learn from EP '028 that a continuous back layer having a Bekk smoothness selected within this range and made of polymeric material of Tg as presently claimed and free of pigment particles leads to the advantages of the present invention. The person of ordinary skill in the art would not learn how to produce such a layer in an efficient way as disclosed and claimed for the present invention. Therefore, the present invention is not only novel, but also not rendered obvious over EP '028 and the rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 07244-00120-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Ashley I. Pezzner

Registration No.: 35,646

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant